

hardness. In rejecting the claims as anticipated by or obvious from the art, the Examiner has failed to properly consider these physical characteristics.

Neither Swain nor Tanno teach or suggest a circular-shaped hollow metal structure having the physical characteristics set forth in independent claims 1, 16 and 18. Swain teaches a coating on a solid cylindrical core. Thus, Swain is quite different from Applicants' claimed hollow metal structure. And, Tanno's belt certainly is not a circular-shaped hollow metal structure as required by Applicants' independent claims 1, 16 and 18. Thus, on this basis alone, claims 1, 16 and 18 cannot be said to be anticipated by or obvious from Tanno or Swain.

Moreover, independent claims 1, 16 and 18 have other features not found in Tanno and Swain. More particularly, as the Examiner correctly acknowledges, neither Swain nor Tanno teach a metal layer having the claimed Vickers hardness. However, the Examiner takes the position that "the claimed Vickers' hardness is an inherent property of aluminum, nickel or steel ...". The Examiner's reliance on official notice in this regard is challenged. There is nothing contained within the four corners of Swain or Tanno which suggests that thin worked metal as required by Applicants' claimed invention would have a Vickers hardness as required by independent claims 1, 16 and 18, or dependent claim 5. Indeed, one of the features and advantages of Applicants' claimed invention is the creation of a spin worked circular-shaped hollow metal structure having a thickness equal to or smaller than 0.09 mm and a Vickers hardness as claimed. As discussed in Applicants' sworn specification, such a structure was not believed to be possible. (See, e.g., the discussion on page 13 of the application). Thus, Applicants' claimed invention is to a metal structure having physical characteristics not heretofore achieved by the prior art. If the Examiner thinks otherwise, he has failed to file an

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affidavit of personal knowledge, or accepted prior art to the contrary, as required by the MPEP.

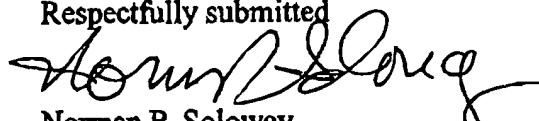
Thus, the Examiner's reliance on official notice is challenged and is believed to be in error.

Having dealt with all the objections raised by the Examiner, the application is believed to be in order for allowance.

The foregoing amendment makes no claim changes that would require further search by the Examiner. Accordingly, entry of the foregoing amendment, and allowance of the application, are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them to our deposit account number 08-1391.

Respectfully submitted



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office, Attn: Examiner Robert B. Beatty at number 703-308-7726

March 5, 2003 at Tucson, Arizona.

By Kim Hood

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**MARKED COPY OF AMENDED CLAIMS**

**SERIAL NO. 10/074,961**

**DOCKET: AMANO A275 DIV**

**MARKED CLAIMS SHOWING CHANGES MADE:**

1. (Twice Amended) A circular-shaped hollow metal structure fabricated by spinning working and having a thickness equal to or smaller than 0.09 mm, wherein a reduction rate of a thickness of said circular-shaped hollow metal structure after spinning worked to a thickness of said circular-shaped hollow metal structure before spinning worked is equal to or greater than 40%, said circular-shaped metal structure having a Vickers hardness Hv equal to or greater than 380 after plastic-worked.

16. (Twice Amended) A photosensitive drum to be used in an electrophotographic printer, said photosensitive drum being comprised of a circular-shaped hollow metal structure fabricated by spinning working and having a thickness equal to or smaller than 0.09 mm, wherein a reduction rate of a thickness of said circular-shaped hollow metal structure after spinning worked to a thickness of said circular-shaped hollow metal structure before spinning worked is equal to or greater than 40%, said circular-shaped metal structure having a Vickers hardness Hv equal to or greater than 380 after plastic-worked.

18. (Twice Amended) A fixing belt to be used in a heat fixing device, said fixing belt being comprised of a circular-shaped hollow metal structure fabricated by spinning working and having a thickness equal to or small than 0.09 mm, wherein a reduction rate of a thickness of said circular-shaped hollow metal structure after spinning worked to a thickness of said circular-shaped hollow metal structure before spinning worked is equal to or greater than 40%, said circular-shaped metal structure having a Vickers hardness Hv equal to or greater than 380 after plastic-worked.